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9 **BEFORE THE**  
10 **RESPIRATORY CARE BOARD**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 1H 2007 474

13 JEFF SAETHONG

7702 Ethel Avenue

14 North Hollywood, California 91605

15 Respiratory Care Practitioner License No. 24543

16 Respondent.

**A C C U S A T I O N**

17  
18 Complainant alleges:

19 PARTIES

20 1. Stephanie Nunez (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Respiratory Care Board of California,  
22 Department of Consumer Affairs (Board).

23 2. On or about August 12, 2005, the Board issued Respiratory Care  
24 Practitioner License Number 24543 to Jeff Saethong (Respondent). This license was in full force  
25 and effect at all times relevant to the charges brought herein and will expire on November 30,  
26 2008, unless renewed.

27 JURISDICTION

28 3. This Accusation is brought before the Board under the authority of the

1 following laws. All section references are to the Business and Professions Code (Code), unless  
2 otherwise indicated.

3           4.       Section 3710 of the Code states: “The Respiratory Care Board of  
4 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter  
5 8.3, the Respiratory Care Practice Act].”

6           5.       Section 3718 of the Code states: “The board shall issue, deny, suspend,  
7 and revoke licenses to practice respiratory care as provided in this chapter.”

8           6.       Section 3750 of the Code states:

9           “The board may order the denial, suspension or revocation of, or the imposition of  
10 probationary conditions upon, a license issued under this chapter, for any of the following  
11 causes:

12           “ . . .

13           “(d) Conviction of a crime that substantially relates to the qualifications,  
14 functions, or duties of a respiratory care practitioner. The record of conviction or a  
15 certified copy thereof shall be conclusive evidence of the conviction.

16           “ . . . .”

17           7.       Section 3750.5 of the Code states:

18           “In addition to any other grounds specified in this chapter, the board may deny,  
19 suspend, or revoke the license of any applicant or license holder who has done any of the  
20 following:

21           “(a) Obtained or possessed in violation of law, or except as directed by a licensed  
22 physician and surgeon, dentist, or podiatrist administered to himself or herself, or  
23 furnished or administered to another, any controlled substances as defined in Division 10  
24 (commencing with Section 11000) of the Health and Safety Code.

25           “ . . . .”

26           8.       Section 3752 of the Code states:

27           “A plea or verdict of guilty or a conviction following a plea of nolo contendere  
28 made to a charge of any offense which substantially relates to the qualifications,

1 functions, or duties of a respiratory care practitioner is deemed to be a conviction within  
2 the meaning of this article. The board shall order the license suspended or revoked, or  
3 may decline to issue a license, when the time for appeal has elapsed, or the judgment of  
4 conviction has been affirmed on appeal or when an order granting probation is made  
5 suspending the imposition of sentence, irrespective of a subsequent order under Section  
6 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to  
7 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
8 accusation, information, or indictment.”

9 9. California Code of Regulations, Title 16, section 1399.370, states:

10 “For the purposes of denial, suspension, or revocation of a license, a crime or act  
11 shall be considered to be substantially related to the qualifications, functions or duties of  
12 a respiratory care practitioner, if it evidences present or potential unfitness of a licensee to  
13 perform the functions authorized by his or her license or in a manner inconsistent with the  
14 public health, safety, or welfare. Such crimes or acts shall include but not be limited to  
15 those involving the following:

16 “ . . .

17 “(c) Conviction of a crime involving driving under the influence or reckless  
18 driving while under the influence.

19 “. . . .”

#### 20 COST RECOVERY

21 10. Section 3753.5, subdivision (a) of the Code states:

22 "In any order issued in resolution of a disciplinary proceeding before the board,  
23 the board or the administrative law judge may direct any practitioner or applicant found to  
24 have committed a violation or violations of law to pay to the board a sum not to exceed  
25 the costs of the investigation and prosecution of the case."

26 11. Section 3753.7 of the Code states:

27 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall  
28 include attorney general or other prosecuting attorney fees, expert witness fees, and other

1 administrative, filing, and service fees."

2 12. Section 3753.1, subdivision (a) of the Code states:

3 "An administrative disciplinary decision imposing terms of probation may  
4 include, among other things, a requirement that the licensee-probationer pay the monetary  
5 costs associated with monitoring the probation."

6 CONTROLLED SUBSTANCE

7 13. Cannabis is a Schedule I controlled substance pursuant to Health and  
8 Safety Code Section 11054.

9 FIRST CAUSE FOR DISCIPLINE

10 (Conviction of a Crime)

11 14. Respondent is subject to disciplinary action under sections 3750,  
12 subdivision (d), and 3752 of the Code, and California Code of Regulations, Title 16, section  
13 1399.370, subdivision (c), in that he was convicted of a crime substantially related to the  
14 qualifications, functions or duties of a respiratory care practitioner. The circumstances are as  
15 follows:

16 I. October 24, 2007 Conviction

17 A. On or about August 15, 2007, Respondent was arrested by Los Angeles  
18 police officers for driving under the influence of alcohol.

19 B. On or about August 28, 2007, in Los Angeles County Superior Court  
20 (LACSC) Complaint No. 7VY03547, Respondent was charged with driving under the  
21 influence of alcohol, in violation of Vehicle Code section 23152, subdivision (a), a  
22 misdemeanor (Count 1), driving with .08% or higher blood alcohol level, in violation of  
23 Vehicle Code section 23152, subdivision (b), a misdemeanor (Count 2), and possession  
24 of under one ounce of marijuana, in violation of Health and Safety Code section 11357,  
25 subdivision (b).

26 C. On or about October 24, 2007, Respondent was convicted upon his plea of  
27 nolo contendere to driving with .08% or higher blood alcohol level (Count 2). He was  
28 placed on probation for three years on a number of terms and conditions, including pay

1 fines and assessments in the amount of \$1,810.75, or in lieu thereof, serve 16 days in  
2 county jail (with credit for 1 day) or perform 16 days of Cal Trans; complete a 3-month  
3 licensed first-offender alcohol program; and complete the hospital and morgue program.  
4 Counts 1 and 3 of the complaint were dismissed.

5 II. March 20, 2008 Conviction

6 D. On or about February 9, 2008, Los Angeles police officers conducted an  
7 enforcement stop on a vehicle with a nonfunctioning headlight, in which Respondent was  
8 a passenger. The officers could smell the strong odor of marijuana coming from the  
9 vehicle. The driver consented to a search of the vehicle. When the officers asked  
10 Respondent why the vehicle smelled like marijuana, he admitted "I have some on me"  
11 and consented to a search. The officers recovered a clear plastic baggy containing a green  
12 leafy substance resembling marijuana from Respondent's right front pants pocket, and a  
13 small brown vial containing a black liquid substance resembling concentrated marijuana  
14 (hash oil) from his right front coin pocket. Respondent was arrested for possession of  
15 marijuana.

16 E. On or about March 5, 2008, in LACSC Complaint No. 8PY01285,  
17 Respondent was charged with possession of concentrated cannabis, in violation of Health  
18 and Safety Code section 11357, subdivision (a), a misdemeanor (Count 1), and  
19 possession of under one ounce of marijuana, in violation of Health and Safety Code  
20 section 11357, subdivision (b), a misdemeanor (Count 2).

21 F. On or about March 20, 2008, Respondent was convicted upon his plea of  
22 nolo contendere to possession of concentrated cannabis (Count 1). Respondent was  
23 placed on probation for one year on a number of terms and conditions, including serve 1  
24 day in county jail (with credit for 1 day); pay a security assessment of \$20.00 and a  
25 restitution fine of \$100.00; perform 10 days of Cal Trans; not to use or possess any  
26 narcotics, dangerous drugs or associated paraphernalia; and not to associate with narcotic  
27 or drug users or sellers. Count 2 of the complaint was dismissed.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Possession of a Controlled Substance)

3 15. Respondent is subject to disciplinary action under section 3750.5,  
4 subdivision (a), of the Code in that he possessed the controlled substance concentrated cannabis.  
5 The facts and circumstances set forth in Paragraph 14, subparagraphs D through F of this  
6 Accusation are incorporated herein by reference.

7 DISCIPLINE CONSIDERATIONS

8 16. To determine the degree of discipline to be imposed on Respondent,  
9 Complainant alleges that on June 8, 2001, Respondent was arrested for assault with a deadly  
10 weapon, in violation of Penal Code section 245(a)(1), a felony. On October 16, 2001, in a  
11 criminal proceeding in LACSC Complaint No. PA038712, Respondent was convicted of assault,  
12 in violation of Penal Code section 240, a misdemeanor. On September 6, 2003, respondent was  
13 arrested for possession/use of false evidence of age, in violation of Business and Professions  
14 Code section 25661. On October 8, 2003, in a criminal proceeding in LACSC Complaint No.  
15 3SB06904, he was convicted upon his plea of nolo contendere to the amended charge of causing  
16 a loud noise, in violation of Penal Code section 415(2), a misdemeanor. The record of these  
17 criminal proceeding are incorporated as if fully set forth.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

4 1. Revoking or suspending Respiratory Care Practitioner License Number  
5 24543 issued to Jeff Saethong;

6 2. Ordering Jeff Saethong to pay the Respiratory Care Board the costs of the  
7 investigation and enforcement of this case, and if placed on probation, the costs of probation  
8 monitoring; and

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: July 17, 2008

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13 Original signed by Liane Zimmerman for:  
14 STEPHANIE NUNEZ  
15 Executive Officer  
16 Respiratory Care Board of California  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
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